

REMARKS

A. Introduction

Claims 1-20 have been presented for examination.

Claims 1-10 have been elected without traverse.

Claims 11-20 have been restricted.

Claim 1 was objected to.

Claims 1 and 2 were rejected under 35 U.S.C. §102(b).

Claims 3-6 have were rejected under 35 U.S.C. §103(a).

Claims 7-10 have been objected to as being dependent upon a rejected base claim.

Claim 1 has been amended and corrected to overcome the objection.

With regard to Claims 1-10, reexamination and reconsideration of Claims 1-10 have been requested based on the remarks as more fully set forth below.

B. Rejection of Claims 1 and 2 Under 35 U.S.C. §102(b)

The Examiner rejected Claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by Juan (U.S. Patent No. 6,311,805 B1). The Examiner has suggested that Juan disclosed a manual braking system comprising all elements of Claims 1 and 2 as claimed including caliper type brakes mountable to said wheelchair; a manual brake actuator; a braking cable connected from said caliper type brakes to said manual braking actuator over a pulley, said pulley being mountable on said wheelchair and providing substantially equal force on each of said caliper type brakes and wherein the axis of said pulley is displaceable. The Applicant respectfully disagrees with the Examiner's reliance on Juan to reject Claims 1 and 2 under 35 U.S.C. §102(b) for two reasons.

First, Juan is not prior art as that term is defined under 35 U.S.C. §102(b). The Applicant

is claiming priority to and the benefit of an invention disclosed in U.S. Patent No. 6,471,231 B1, the application for which was filed on August 3, 2001. With the exception of the manual brake actuator, all of the elements of Claim 1 which the Examiner asserts are anticipated by Juan are disclosed in Patent No. 6,471,231 B1. * Since Juan did not issue as a patent until November 6, 2001, three months after the application for U.S. Patent No. 6,471,231 B1, it is not prior art under 35 U.S.C. §102(B).

Second, the Applicant respectfully disagrees with the Examiner's assertion that Juan discloses all of the elements as claimed in Claims 1 and 2 of the application. For anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. M.P.E.P. §706.02. The Preamble to Claim 1 in the application states "a manual braking system for wheels of a wheelchair comprising:." All three elements of Claim 1 require some apparatus of the claimed invention to be mountable to or on said wheelchair. Thus, being mountable to or on a wheelchair is an aspect of the claimed invention that must be disclosed by Juan. The braking system in Juan is disclosed as being mountable only to a bicycle. Brakes mountable to a wheelchair are not disclosed in Juan. In fact, Juan does not mention the apparatus of the braking system being mountable to any other device other than a bicycle. Thus, Juan does not teach every aspect of the claimed invention in Claims 1 and 2.

C. Rejection of Claims 3-6

The Examiner has rejected Claims 3-6 as being unpatentable over Juan in view of Goss, et al. (U.S. Patent Application Publication No. 2003-0151300 A1). Once again, the Applicant respectfully disagrees with the Examiner's rejection of these claims.

For the same reasons as indicated above, Juan is not valid prior art under 35 U.S.C. §102 or §103. The application for Goss, et al., was filed on January 9, 2003 and was published as an

application on August 4, 2003. The Examiner has asserted that Goss, et al. disclosed a vehicle braking system with calipers exerting braking pressure on disks and that the same system may be used on wheelchairs. The Applicant is claiming the benefit of and priority to U.S. Patent No. 6,311,805 B1 which disclosed a wheelchair with calipers exerting a braking pressure on disk. Once again, U.S. Patent No. 6,311,805 B1 was filed on August 3, 2001. Consequently, Goss, et al. is not prior art for purposes of 35 U.S.C. §102 and §103 and cannot be relied upon for a rejection of claims 3-6.

D. Objection to Claims 7-10

The Examiner objected to Claims 7-10 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant submits that since Claims 1-6, as set forth above, are allowable, Claims 7-10 are also allowable without amendment.


CONCLUSION

In view of the above, it is submitted that Claims 1-10 are in a condition for allowance. Reconsideration and withdraw of the objection of Claim 1 is hereby requested. If impediments to the allowance of Claims 1-10 remain and a telephone conference between the undersigned and the Examiner would help to remove such impediments in the opinion of the Examiner, a telephone conference is respectfully requested.

Respectfully submitted,

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